



IFW

Kingsberry's Docket No. 1062/D84

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Demers et al.

Application No. 10/697,862

Group No.: 3762

Filed: October 30, 2003

Examiner: Not Yet Assigned

For: PUMP CASSETTE WITH SPIKING ASSEMBLY

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

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Signature 

Date: December 13, 2005

Jeffrey T. Klayman
(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

The supplemental information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

DATE: December 13, 2005



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01062/00D84 452477.1

Practitioner's Docket No.

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

(Supplemental Information Disclosure Statement--page 1 of 6)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

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[] transmitted by facsimile to the Patent and Trademark Office.

Signature



Jeffrey T. Klayman
(type or print name of person certifying)

Date: December 13, 2005

*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).

"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).
"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
(1) each inventor named in the application;
(2) each attorney or agent who prepares or prosecutes the application; and
(3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).

NOTE: The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).

List of Sections Forming Part of This Supplemental Information Disclosure Statement

The following sections are being submitted for this Supplemental Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. Preliminary Statements
2. Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. Statement as to Information Not Found in Patents or Publications
4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. Cumulative Patents or Publications
6. Copies of Listed Information Items Accompanying This Statement
7. Concise Explanation of Non-English Language Listed Information Items
 - 7A. EPO Search Report
 - 7B. English Language Version of EPO Search Report
8. Translation(s) of Non-English Language Documents
9. Concise Explanation of English Language Listed Information Items (Optional)
10. Identification of Person(s) Making This Supplemental Information Disclosure Statement

(complete the following, if appropriate)

Sections , respectively, have been continued on ADDED PAGE(S).

NOTE :"Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this supplemental information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this supplemental information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Demers et al. Attorney Docket: 1062/D84
Serial No: 10/697,862 Art Group Unit: 3762
Date Filed: October 30, 2003 Examiner Name: Not Yet Assigned
Invention: PUMP CASSETTE WITH SPIKING ASSEMBLY

**LIST OF PATENTS AND PUBLICATIONS FOR
APPLICANT'S SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT****U.S. PATENT DOCUMENTS**

Examiner Initials	Reference Number	Document Number	Issue Date/ Publication Date	Inventor	Class/Subclass
FN	2,525,251		Oct. 1950	Willard	449/17
FO	2,776,854		Jan. 1957	Billstrom	292/256
FP	2,834,504		May 1958	Joseph	220/211
FQ	3,339,956		Sept. 1967	Bencene	292/127
FR	3,481,076		Dec. 1969	Bedard	49/279
FS	3,856,338		Dec. 1974	Johnsson	292/256
FT	4,073,521		Feb. 1978	Mena	292/256.65
FU	4,093,176		June 1978	Contastin	249/167
FV	4,927,198		May 1990	Fennell et al.	292/306
FW	5,186,333		Feb. 1993	Pierson et al.	209/370
FX	5,150,796		Sept. 1992	Pierson	209/370
FY	5,290,076		March 1994	Smith	292/25
FZ	5,294,157		March 1994	Smith et al.	292/25
GA	5,823,026		Oct. 1998	Finke	70/276
GB	6,264,458		July 2001	Marcuz et al.	425/451.9
GC	5,647,391		July 1997	Chan et al.	366/152.4
GD	4,662,829		May 1987	Nehring	417/395
GE	5,647,391		July 1997	Chan et al.	366/152.4
GF	4,662,829		May 1987	Nehring	417/395

Examiner Signature: _____

Date Considered: _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if *not* in conformance and not considered. Include copy of this form with next communication to applicant.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: *37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."*

NOTE: *The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.*

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

[x]Exception(s) to above:

U.S. patent citations are not included pursuant to the United State Patent and Trademarks Office's September 21, 2004 waiver of the copy requirement in 37 CFR 1.98 for cited pending U.S. patent citations when the patent citations are available in the USPTO's IFW system.

[]Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

[]Cumulative patents or publications identified in Section 5.

Section 10. Identification of Person(s) Making This Supplemental Information Disclosure Statement

The person making this certification is

(check each applicable item)

- (a) [] the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b) [] an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (c) [x] the practitioner who signs below on the basis of the information:

(check each applicable item)

[] supplied by the inventor(s).

[] supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

[x] in the practitioner's file.



SIGNATURE OF PRACTITIONER

Reg. No.: 39,250

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(type or print name of practitioner)

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